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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re R.C., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

R.C.,

Defendant and Appellant.

E049462

(Super.Ct.No. J-226640)

OPINION

APPEAL from the Superior Court of San Bernardino County. William Jefferson Powell IV, Judge, and Stephanie Thornton-Harris, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Jan B. Norman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A juvenile wardship petition was filed under Welfare and Institutions Code section 602, subdivision (a) (602 petition), alleging that defendant and appellant R.C. (minor) committed the crime of battery on a school employee. (Pen. Code, § 243.6.) The juvenile court sustained the 602 petition, declared minor a ward, and placed him on probation in the custody of his parents.

Minor filed a notice of appeal regarding the juvenile court's order sustaining the 602 petition. We affirm.

FACTUAL BACKGROUND

William Bouffard, a campus security officer at Carter High School, testified that he was on duty during lunchtime on February 5, 2009, when “he observed a phone being viewed by a group of students and saw that phone being passed to [minor].” The school had a rule barring the use of cell phones during school hours. Bouffard approached minor and told him he had to surrender the cell phone. Minor refused, and Bouffard reminded him of the school rule. When minor continued to refuse, Bouffard instructed minor to go with him to the administrator's office. Minor hesitated, but eventually agreed to go with Bouffard. While they were walking, Bouffard told minor that if he surrendered the phone, he could go back to lunch without seeing the administrator. Minor said the phone belonged to someone else, who would be upset if he relinquished the phone. Bouffard again told minor to give him the phone or see the administrator. Minor turned away and said he was going back to lunch. Minor walked away, Bouffard followed him, and again directed minor to go see the administrator. Minor continued to walk away, so Bouffard used his radio to request backup assistance. Another campus

security officer, Sal Correa, responded and started to walk toward them. Minor turned to the side, so that he was walking away from both officers. Bouffard repeatedly instructed minor to go with him to see the administrator. Bouffard then reached out his arm to help direct minor in the direction of the administrator, and minor pushed his arm away. Bouffard again instructed minor, putting his hands in front of minor's body. Minor pushed his hands and arms away. Correa then restrained minor from behind. Minor became agitated and struggled to break free. Bouffard commanded him to stop resisting. Minor continued, so Bouffard and Correa forced him to the ground. Bouffard took hold of minor's right arm, minor pulled it away, and deliberately punched Bouffard in the eye with a closed fist. Bouffard and Correa restrained minor, and another campus security officer arrived to handcuff minor.

DISCUSSION

Minor appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and three potential arguable issues: 1) whether the campus security officers used excessive force, in violation of Education Code section 44807; 2) whether minor's actions in pushing the campus security officer's hand away constituted a reasonable self-defense in response to the force used by the officer; and 3) whether minor's actions in striking the campus security officer's eye constituted a reasonable self-defense to the force used by the officer. Counsel has also requested this court undertake a review of the entire record.

We offered minor an opportunity to file a personal supplemental brief, which he has not done.

We have now concluded our independent review of the record and found no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P.J.

We concur:

RICHLI
J.

MILLER
J.